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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,596	10/23/2001	Michael J. Schaffer	INTL-0588-US	2881

7590 04/08/2004
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EXAMINER

TRAN, CHUC

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 04/08/2004

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10/046,596

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

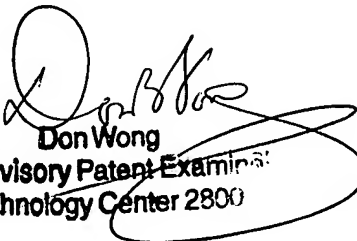
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Commissioner for Patents

Application NO. 10/046,596
Art Unit 2821

The comments of the reply brief file on November 20, 2003 have been considered but they fails to alter the ground of the rejection. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

April 1, 2004
Chuc Tran


Don Wong
Supervisory Patent Examiner
Technology Center 2800



AI = GP 2821

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Schaffer	§	Group Art Unit:	2821
Serial No.:	10/046,596	§		
Filed:	October 23, 2001	§	Examiner:	Chuc Tran
For:	Providing Integrated Chassis Antenna for Processor-Based Devices	§	Atty. Dkt. No.:	ITL.0588US (P11729)
Customer No.:	21906	§	Confirmation No.:	2881

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

Dear Sir:

This reply is in response to issues raised in the Examiner's Answer (Paper No. 11), dated September 29, 2003.

A. Claim Construction During Prosecution

As indicated in the Examiner's Answer, the remaining issues are primarily focused on the construction of the terms "integrated" and "integrating." In the Examiner's Answer, the Examiner relies on an interpretation of the terms "integrated" and "integrating" that is not consistent with the definition specifically provided in the specification of the above-referenced application. For example, the Examiner states "as broadly as reasonably allowed, attaching or mounting the microstrip antennas to housing 202 clearly renders the over all antenna structure as

Date of Deposit: November 20, 2003

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Appeal Brief - Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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being an integral part of the computer chassis.” See Paper No. 11 at page 5. In contrast, the terms “integrated” and “integrating” are specifically defined in the specification as “form[ed] or forming from material that forms a chassis and remaining contiguous, in part, with the chassis.” See specification at page 8, lines 18-20 (emphasis added).

The Appellant is aware that in certain cases the term “integral” may be construed to cover more than a unitary construction. Specifically, in the past, the Board has construed the word “integral” as encompassing a multi-piece structure. See, *In re Morris*, 127 F.3d 1048, 1054; 44 U.S.P.Q. 2d 1023 (Fed. Cir. 1997). In contrast to the Appellant in *In re Morris*, the present Appellant has included an express definition for the terms “integrated” and “integrating” in its specification. When an express definition of a term is given in the specification, it should be taken into account; it would be unreasonable for the United States Patent and Trademark Office (USPTO) to ignore this interpretive guidance. *Id.* at 1054, 1056. Thus, under the proper construction of the terms “integrated” and “integrating,” the integrated structure is formed from the material that forms a chassis and remains contiguous, in part, with the chassis. For a structure to remain contiguous with the chassis during or after formation suggests the structure and the chassis are unitary. For example, a description of antenna 103 in the specification is as follows:

In one embodiment, the antenna 103, shown in Figure 1, is integrated into the chassis by being formed out of the surface 105 of the chassis 101. The left 106, right 107, and top 109 of the antenna 103 may be released from the surface 105 while a bottom edge 111 may remain attached to the surface 105. The antenna 103 may be bent away from the surface 105 of the chassis 101 along the bottom edge 111. The vertical section 113 may then be bent upward from the base section 115 with one possible configuration being a vertical section 113 generally coplanar with the surface 105 of the chassis 101.

See Specification, page 3, line 24 through page 4, line 9 (emphasis added).

Clearly, the definition of the terms “integrated” and “integrating” set forth in the specification should not be ignored and should be taken into account when determining the patentability of the claims. In the present application, the Applicant has done exactly what the Federal Circuit has said an applicant needs to do to cause the term “integral” to be interpreted in a particular manner. Thus, it is respectfully reasserted that Crawford does not teach an integrated antenna or an antenna integrated into the chassis as called for in claims 1 and 4 respectively. For at least this reason, and for reasons set forth more fully in the Appeal Brief the reversal of the Examiner’s rejections is respectfully requested.

B. Grouping of Claims

In the Examiner’s Answer, the Examiner failed to agree with the Appellant that certain claims do not stand or fall together. The Examiner strongly believed that all the claims stand or fall together, especially since the Appellant failed to particularly set forth compelling reasons which would warrant otherwise. While the Examiner strongly believes one way, it has respectfully urged that the Appellant has met the requirements for the Board to consider the groupings separately. Hence, the Appellant again asserts its request to have the Board consider each grouping separately.

Claim 1 calls for an integrated chassis antenna that is coupled to a computer chassis. Pursuant to this claim, the type of antenna that is coupled to the computer chassis is an integrated antenna. In other words, the term “integrated” describes the type of antenna coupled to the computer chassis. That the antenna is coupled to the computer chassis does not negate it being integrated per the definition set forth in the specification.

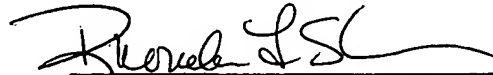
Claims 4 and 9 call for an antenna integrated into the chassis. In these claims, the term “integrated” describes the relationship between the antenna and the chassis as set forth in the specification. Thus, the term in these claims takes on a different role, albeit based on the same definition. Thus, claims 4 and 9 should be considered separately from claim 1.

Claim 14 calls for integrating an antenna with the chassis. As used in claim 14, the term "integrating" describes the act of integrating the antenna with the chassis pursuant to the definition set forth in the specification.

Thus, because claims 1, 4, 9 and 14 are not identical, the Board is respectfully requested to honor the groupings set forth in the Appeal Brief.

Respectfully submitted,

Date: November 20, 2003



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EXAMINER'S ANSWER

This is in response to the appeal brief filed July 21, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because all independent claims would appear to contain the same subject matter. In particular, each and every independent claim such as 1, 4, 9 and 12 and 14 would appear to

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disclose the claimed invention in a virtually identical manner as they all contain common subject matter or structures. In view of their similarities, the examiner strongly believes that all claims are stand or fall together, especially since appellant fails to particularly set forth a compelling reason which would warrant otherwise.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6.456242

Crawford

9-2002

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

12. Claims 1, 4, 7, 9, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford (USP. 6,456,242).

Regarding claim 1, Crawford disclose an integrated chassis antenna comprising :

- a wireless network computer (100) having a chassis (102) (Fig. 1);

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- an integrated chassis antenna (238) that is coupled to the computer chassis (202) (Fig. 3) (Col. 5, Line 5);
- a first wireless network device (260) coupled to the integrated chassis antenna (238) (Fig. 3) (Col. 6, Line 40); and
- a second wireless network device (250) operative to communicate with the wireless network computer (Col. 6, line 10).

Regarding claims 4 and 7, Crawford disclose an integrated chassis antenna comprising :

- a chassis (202) (Fig. 3);
- an antenna (450) with feed point (308) (Col. 8, Line 1); wherein
- the antenna (450) integrated into a chassis (402) (Col. 7, Line 58); and
- the antenna (540) includes a center conductor retention feature (588) (Fig. 9).

Regarding claim 9, Crawford disclose an integrated chassis antenna comprising :

- a chassis (202) and a wireless device (250) and the antenna having a feed point (308) (Col. 8, Line 1); and
- the wireless device (570) coupled to the feed point (580) of the antenna (540) (Fig. 9) (Col. 10, Line 25).

- Regarding claim 14, Crawford disclose a method comprising:
- Fabricating a chassis (Col. 2, Line 5); and
- Integrating an antenna with the chassis (Col. 2, Line 9).

Allowable Subject Matter

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13. Claims 2, 3, 5-6, 8, 10-11, 13 and 15-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to appreciate the advantage offered by the integrated antenna is formed from a part of the base chassis with the following distinctive features such as set by all dependent claims.

Response to Argument

With respect to the rejection applied to claim 1 as being anticipated by Crawford, appellant alleges this prior art of record fails to teach an integrated chassis antenna in the broad manner as recited. Basically the argument alleges that the printed microstrip antennas are mounted on or attached to the housing 202 as opposed to be an integral part of the housing.

This argument has not been found to be persuasive for the reason that appellant neglects to support the allegation with clear language in claim 1 that would warrant its interpretation in the manner as taught by the specification. As broadly as reasonably allowed, attaching or mounting the microstrip antennas to housing 202 clearly renders the over all antenna structure as being an integral part of the computer chassis (see lines 65-68, column 2 bridging lines 1-8, column 3). It is strongly believed that Crawford clearly anticipates claim 1 in the manner that line 3 of the claim itself clearly calls for an antenna to be coupled to the computer chassis. For clarity purpose, it is particularly noted that coupling an antenna to the computer chassis is equivalent to mounting or attaching an antenna structure of housing 202. It is also noted that the language in claim 1 neither clearly points out nor hints the making of the antenna, let alone the

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particular material involved in its structure. Since the language of this claim has not been written in the means plus function form that would otherwise require a precise interpretation of claim language in light of the specific teaching of the specification, holding claim 1 as being anticipated by Crawford is clearly reasonable as allowed. Contrary to appellant's assertion, Crawford clearly teaches and anticipates every element as recited in claim 1. For at least the above noted reason, sustaining the anticipated rejection applied claim 1 is respectfully requested.

As for the rejection applied to claim 2 being unpatentable over Crawford, it is hereby withdrawn upon reconsideration. As such, the argument is moot.

By the same token as that noted for claim 1, the arguments for claims 4, 9 and 14 have not been found persuasive, especially since the basis which forms the arguments for patentability for these claims remains the same as that of claim 1. Like the structure of claims 4 and 9 and the method step of claim 14, the antenna structure in Crawford is every bit integrated with the housing as that defined by the claimed invention. For this reason, interpreting these claims to be more distinctive than Crawford would clearly be erroneous. Furthermore, the fact that all arguments for patentability for claims 1, 4, 9 and 14 are identical, holding them stand or fall together with claim 1 would clearly be proper.

In view of the foregoing reasons, sustaining all rejections applied to claims 1, 4, 9 and 14 as being anticipated by Crawford is respectfully urged.

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For the above reasons, it is believed that the rejections should be sustained.

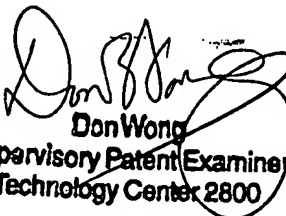
Respectfully submitted,

TDC

September 22, 2003

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